

Health Information Compliance Alert

Reader Question: Know That a PHE Has Time Limits

Question: Is a public health emergency (PHE) ever shorter or longer than 90-day increments?

Florida Subscriber

Answer: A PHE falls under Section 319 of the Public Health Services Act and is good for a duration of 90 days. However, it may be shortened by the Department of Health and Human Services (HHS) Secretary if it's determined an emergency no longer exists. A PHE is always extended in 90-day increments, hence why the COVID-19 PHE is now on its 10th extension.



In order for the feds to relax regulations and requirements, a number of things must happen in a specific order. Here's a succinct breakdown of the necessary events that lead to a PHE:

1. A disaster or emergency occurs.
2. A state of emergency is called by a governor.
3. The President of the United States declares an emergency or disaster under the Stafford Act or the National Emergencies Act for the impacted areas or state.
4. The HHS Secretary declares a PHE.
5. Once the PHE is declared, Section 1135 of the Social Security Act authorizes the HHS Secretary to waive or modify certain Medicare, Medicaid, CHIP, EMTALA, and HIPAA requirements.